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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

J. AUGUSTO BASTIDAS,  
Plaintiff,  
v.

GOOD SAMARITAN HOSPITAL LP and  
GOOD SAMARITAN HOSPITAL  
MEDICAL STAFF,  
Defendants.

Case No. [13-cv-04388-SI](#)

**JURY VERDICT FORM**

**PART I -- LIABILITY**

**Re: Implementation of Proctoring Program**

**Question No. 1:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital (“Hospital”) subjected him to an adverse employment action by delaying implementation of his proctoring program?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 1 was “No,” please go to Question No. 3; otherwise, please answer the next question.

**Question No. 2:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying implementation of proctoring) was taken by Hospital because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please answer the next question.

**Question No. 3:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital Medical Staff (“Medical Staff”) subjected him to an adverse employment action by delaying implementation of his proctoring program?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 3 was “No,” please go to Question No. 5; otherwise, please answer the next question.

**Question No. 4:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying implementation of proctoring) was taken by Medical Staff because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please answer the next question.

**Re: Update to Report on Dr. Bastidas in the National Practitioner Databank Report**

**Question No. 5:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital ("Hospital") subjected him to an adverse employment action by delaying the filing of an update to the plaintiff's National Practitioner Databank Report?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 5 was "No," please go to Question No. 7; otherwise, please answer the next question.

**Question No. 6:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying update to National Practitioner Databank Report) was taken by Hospital because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

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**Question No. 7:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital Medical Staff (“Medical Staff”) subjected him to an adverse employment action by delaying the filing of an update to the plaintiff’s National Practitioner Databank Report?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 7 was “No,” please go to part II. Otherwise, please answer the next question.

**Question No. 8:**

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying update to National Practitioner Databank Report) was taken by Medical Staff because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please go to Part II.

**PART II -- DAMAGES**

If your answer to each of Questions No. 2, 4, 6 and 8 was "No" or blank, do not answer any further questions; go to the end of this form and have your Foreperson date and sign the form, and return it. Otherwise, please answer the next question.

**Question No. 9:**

As to the adverse employment action(s) which you have found were taken because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit, did plaintiff prove, by a preponderance of the evidence, that such adverse employment action caused any damage to plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 9 was "No," please go to Question No. 11. Otherwise, please answer the next question

**Question No. 10:**

What is the amount of damage plaintiff has proved?

\$ \_\_\_\_\_

Please go to Question No. 12.

**Question No. 11:**

As to the adverse employment action(s) which you have found were taken because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit, if you have found that plaintiff failed to prove any damages you must award nominal damages, which may not exceed one dollar (\$1.00). Do you award nominal damages?

If so, in the amount of \_\_\_\_\_

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**Question No. 12:**

As to the adverse employment action(s) which you have found were taken because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit, did plaintiff prove, by a preponderance of the evidence, that either defendant engaged in conduct which was malicious, oppressive or in reckless disregard of plaintiff’s rights?

As to Good Samaritan Hospital?	Yes _____	No _____
As to Good Samaritan Hospital Medical Staff?	Yes _____	No _____

If you answered “Yes” to either part of Question No. 12, please answer the next question. Otherwise, do not answer any further questions; go to the end of this form and have your Foreperson date and sign the form.

**Question No. 13:**

What is the amount of punitive damages which you award?

\$ \_\_\_\_\_

Dated:

\_\_\_\_\_  
FOREPERSON